



Dec 16 1999
J. M. P.

PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231.

December 7, 1999

Date

Bonita R. Gladden

Bonita R. Gladden

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

DEC 16 1999

TECH CENTER 1600/2900

Applicants : Mich B. Hein et al.
Application No. : 09/005,318
Filed : January 9, 1998
For : NOVEL EPITHELIAL TISSUE TARGETING AGENT

Examiner : David S. Romeo
Art Unit : 1646
Docket No. : 310098.401C1
Date : December 7, 1999

Assistant Commissioner for Patents
Washington, DC 20231

SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated November 7, 1999, Applicants elect, with traverse, to pursue the biological agent gentamycin.

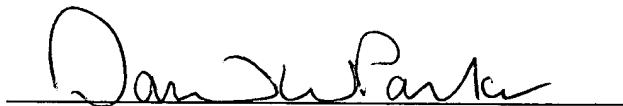
Applicants request that the Examiner reconsider and withdraw this requirement for a species election. Among antibiotics, there are numerous closely related compounds that would be expected to function similarly within the context of the present invention. The selection of particular antibiotics is not a key aspect of the present invention. Applicants further submit that the examination of the present claims, without this additional species election, would not result in a serious burden on the Examiner. A search of prior art directed to targeting molecules would reveal any prior art disclosing such compounds, regardless of the specific biological agent linked thereto. Since there is no apparent undue burden on the Examiner, Applicants request that this requirement for a species election be withdrawn.

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the requirement for a species election within Group I. Applicants request an examination of claims 1-31 and 36-41 on the merits.

Respectfully submitted,

Mich B. Hein et al.

SEED and BERRY LLP



David W. Parker
Registration No. 37,414

ATK:brg

Enclosure:

Postcard

6300 Columbia Center
701 Fifth Avenue
Seattle, Washington 98104-7092
(206) 622-4900
Fax: (206) 682-6031

Wpn/310098/401C1/Forms/401C1rr2